1   **REMARKS/ARGUMENTS**

2 Information Disclosure Statement

3   In considering the patentability of all pending claims, the Examiner is respectfully

4 requested to consider information that is being cited in an Information Disclosure Statement

5 (IDS) filed concurrently herewith. The concurrently filed IDS cites the first Japanese Office

6 Action in the corresponding Japanese Patent Application which claims priority to the current

7 application in the US. The Japanese office action cited three references as follows: (1) WO

8 94/17474, (2) Japanese Patent Laying-Open No. 5-151179 and (3) an article entitled "Quota

9 Manager Managing Directory Capacity for Windows NT" by Noriharu Tanaka, published in

10 LAN TIMES, Japan, Softbank Corporation, dated April 1, 1997.

11   The Examiner is requested to <u>carefully and thoroughly</u> review information in the

12 IDS, for relevance to all pending claims in the current patent application. Note that a

13 concise explanation, of the references being cited, is provided in the Japanese Office Action.

14

15 Allowable Claims

16   In the Office Action dated July 22, 2008 in the current patent application, Claims 46

17 and 47 were indicated as being allowable if rewritten. See paragraph 6 on page 9 of the

18 Office Action. Hence, Claim 46 has been rewritten, and is therefore believed to be in form

19 for allowance and allowance thereof is respectfully requested. Claim 47 depends from

20 Claim 46 and is also believed to be allowable for at least the same reason as Claim 46.

21   New Claims 58 and 59 are added herewith, based on the limitations in Claims 46 and

22 47. Accordingly these two new claims are also believed to be in form for allowance.

23   Note that none of the following remarks are applicable to Claims 46, 47, 58 and 59.

24

25 Claim Rejections – 35 U.S.C. §102

26   Claims 1, 4-19, 29-34, 36, 38-39, 43, 45 and 48-54 were all rejected under 35 U.S.C.

27 §102(e) as being anticipated by US Patent 6,505,214 (hereinafter "Sherman"). The §102

28 rejections of Claims 1, 4-19, 29-34, 36, 38-39, 43, 45 and 48-54 are respectfully traversed

29 herewith.

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1   In rejecting Claim 1 the Examiner stated on page 3 of the Office Action, in

2   paragraph 5 that "Sherman teaches a parent process in said computer checking if a first item

3   in said plurality is a file or a directory (fig. 5, col. 9, lines 4-27)." This remark by the

4   Examiner appears to be unsupported by the cited text for the following reasons.

5   Sherman's FIG. 5 is an example of a folder hierarchy. Specifically, FIG. 5 discloses

6   at hierarchy $LEVEL_1$ a folder 200 which represents a root or top-level folder. Sherman's

7   folder 200 contains multiple subfolders 202, 204 and 206 that are respectively named

8   "FOLDER-1", "FOLDER-2" and "FOLDER-N" and together constitute Sherman's

9   hierarchy $LEVEL_2$. Each of subfolders 202, 204 and 206 itself has, at hierarchy $LEVEL_3$,

10   additional subfolders, such as three subfolders 208, 210 and 212 for subfolder 202, two

11   subfolders 214 and 216 for subfolder 204 and subfolder 218 for subfolder 206. Finally, at

12   hierarchy $LEVEL_4$, there are shown in FIG. 5, two subfolders 220 and 222 contained in

13   subfolder 210 and one subfolder 224 contained within subfolder 212.

14   As discussed above, Sherman's FIG. 5 appears to disclose a data structure alone,

15   without disclosing any function, method or process whatsoever is disclosed by this figure.

16   Even assuming that a step of checking is disclosed in Sherman's FIG. 5 (it is not

17   because there is only structure, no steps), there appears to be no disclosure of checking if an

18   item is a file or a directory, at least not in FIG. 5 by itself.

19   Applicant respectfully submits that the Examiner-cited text at column 9, lines 4-27

20   does not overcome the above-noted defect, as seen from the following quotation:

21   The folder hierarchy illustrated in FIG. 5 represents a typical
22   hierarchy that is created by the user on a server or desktop computer.
23   When the user connects a companion device (such as an H/PC) to the
24   server or desktop computer, a subset or the entire set of folders may be
25   synchronized between the two systems. In order to identify which folders
26   are to be synchronized, a flag or electronic code is set on a parent folder.
27   That is, an "expanded" flag, which is set on a folder, pertains to the
28   subfolder list of that folder and means that its subfolders will be
29   synchronized. In this manner, the subfolders themselves are not
30   necessarily individually marked in any way.

31

32   Folders that are synchronized are thereby made available on the
33   H/PC. The synchronization process also makes sure that any changes
34   made to that folder list on either the device or the server are reconciled.
35   As an example, a creation or deletion of a folder on the device while the

1   device was offline would be propagated to the server during
2   synchronization. In the same way, creation or deletion of folder on the
3   server would be propagated to the device during synchronization.
4   Preferably, the synchronization process also synchronizes any folder
5   rename operations. Moreover, other folder operations may be reconciled
6   during the folder list synchronization.
7

8   In the above-quoted text, Sherman discloses a hierarchy of folders and subfolders but the

9   above-quoted text appears to be completely silent as to what, if any, checking is done.

10   Accordingly, there appears to be no disclosure in the above-quoted text nor in FIG. 5

11   for checking if an item is a file or a directory. Also, nothing in the above-quoted text nor in

12   FIG. 5 appears to perform different actions, depending on whether an item is a folder or not.

13   In view of the above-discussed remarks, Applicant respectfully submits that this is a

14   first reason why the §102 anticipation rejection of Claim 1 should be withdrawn.

15   In rejecting Claim 1 the Examiner further stated on page 3 of the Office Action, in

16   paragraph 5 that Sherman teaches "the parent process in said computer copying the first item

17   to at least one storage media if the first item is found during the checking to be a file and the

18   parent process creating a child process in said computer if the first item is found during the

19   checking to be a directory (i.e, 256-258, fig. 6, col. 9, lines 61-67 to col. 10, lines 1-38)."

20   This remark by the Examiner also appears to be unsupported by the cited text for the

21   following reasons.

22   Sherman's step 256 in FIG. 6 is to synchronize immediate subfolders of the folder,

23   while Sherman's step 258 is to check if the "expanded flag" is set on any subfolders. Note

24   that Sherman's synchronization in step 256 is itself conditioned on whether the "expanded

25   flag" is set (checked in step 252). Step 258 checks if the expanded flag is set on any

26   subfolders.

27   How the "expanded flag" is set is not shown in Sherman's FIG. 6. Nor is this

28   described in the Examiner-cited col. 9, lines 61-67 to col. 10, lines 1-38 (reproduced below).

29   Instead, Sherman states elsewhere that an expanded flag may be set based on the user

30   performing certain predetermined user actions for a particular subfolder. See column 7 line

31   50 to column 8 line 3 and column 15, line 54 to column 16 line 5. Hence, Sherman's

32   synchronization appears to be done based on user activity or inactivity (or by default).

1   Steps 256 and 258 of Sherman's FIG. 6 which have been cited by the Examiner do

2 not appear to treat folders and files differently. More specifically, there appears to be no

3 disclosure in steps 256 and 258 of Sherman's FIG. 6 for checking if an item is a file or a

4 directory. Also, nothing in the above-quoted text nor in FIG. 5 appears to perform different

5 actions depending on whether an item is a folder or a file. More specifically, there appears

6 to be no disclosure in steps 256 and 258 for copying an item if the item is found during

7 checking to be a file.

8   Additionally, Applicant respectfully submits that the Examiner-cited text at column

9 9, lines 61-67 to column 10, lines 1-38 does not overcome the above-noted defect, as seen

10 from the following quotation (emphasis added):

11

12   Returning now to FIG. 6, decision operation 258 checks each of
13 the subfolders to determine the state of the expanded flag. For each of
14 the expanded flags set, the operation flow branches YES to
15 synchronization module 260. Each of the subfolders in that particular
16 branch are recursively synchronized by module 260. For example, if at
17 decision operation 258 it is determined that "expanded" flag is set on
18 Folder-1202 of FIG. 5, the Level₃ Folders 208, 210 and 212 that are
19 immediate subfolders of Folder-1202 will be synchronized. The
20 recursive process continues down the branch associated with Folder-
21 1202 to Level₄, and further, if necessary, to synchronize all subfolders of
22 the folders having an expanded flag set. When the folder branch has been
23 synchronized in accordance with the state of the expanded flags,
24 processing continues to branch test operation 262. Operation 262 tests
25 for more branches. If there are more branches, testing of the expanded
26 flag at operation 258 and the resultant synchronization at module 260
27 continues. The More Branches operation 262 is used to illustrate the
28 recursive nature of the synchronization operation. In essence, the
29 **process must call itself** to determine whether more subfolders are to be
30 synchronized depending on the state of the expanded flags. If more
31 branches are detected at 262 that require synchronization as determined
32 at 258 then process must flow to the synchronization stage 260. If there
33 are no more branches to consider, the operation flow returns to decision
34 operation 254.
35   A mail store is provided in the H/PC, and includes two separate
36 databases: a message database, and a folder database. These two
37 databases house the data records representing both the message and
38 folder data within the user-defined, hierarchical folder architecture. In
39 one embodiment of the invention, the expanded flag represents a field of
40 the folder database in each database record. This field is then monitored

1 in each record to determine the state of the expanded flag associated with
2 the corresponding folder. Testing of this folder database field is
3 represented by decision operations 252 and 258 of FIG. 6. As more
4 folders are synchronized, additional records are accordingly generated in
5 the folder database. As will be appreciated by those skilled in the art,
6 other manners of storing the expanded flag other than via a database field
7 are possible, including mapped memory structures or other addressable
8 storage structures whereby stored expanded flag indicators can be
9 located.
10

11 To summarize, there appears to be no support for the Examiner's remark that Sherman

12 discloses in steps 256-258 of FIG. 6 and/or in the descriptive text at col. 9, lines 61-67 to

13 col. 10, lines 1-38, copying an item if the item is found during checking to be a file. Hence,

14 this is a second reason why the §102 rejection of Claim 1 should be withdrawn.

15   In the above-quoted text, Sherman states that his process calls itself (see emphasized

16 text above, at line 7 of this page). Accordingly, it is appears that a single process, which

17 checks an expanded flag for a folder, is used recursively by Sherman, to check on the

18 expanded flags of subfolders. Hence, steps 256-258 of FIG. 6 and/or in the descriptive text

19 at col. 9, lines 61-67 to col. 10, lines 1-38 of Sherman fail to disclose "the parent process

20 creating a child process in said computer" as stated by the Examiner. Hence, this is a third

21 reason why the §102 rejection of Claim 1 should be withdrawn.

22   Also, Sherman's use of the same process (see the phrase "call itself" emphasized in

23 the above-quoted text) teaches away from creating a child process as per Claim 1.

24   In rejecting Claim 1 the Examiner also stated on page 3 of the Office Action, in

25 paragraph 5 that Sherman teaches "if the first item is found during the checking to be a

26 directory, the child process in said computer checking if another item in the directory

27 represented by the first item is a file or a directory (fig. 5, fig. 6, col. 9, lines 4-67 to col. 10,

28 lines 1-38)" This remark by the Examiner also appears to be unsupported by the cited text

29 for the following reasons.

30   Sherman's fig. 5 and fig. 6, col. 9, lines 4-27, col. 9, lines 61-67 and col. 10, lines 1-

31 38 have been discussed above. To re-state the arguments made above, there appears to be

32 no support in the just-described text and figures of Sherman, for a child process checking if

33 something is a file or a directory. Note that the remainder of the Examiner-cited text,

34 namely Sherman's col. 9, lines 28-60 fails to overcome the above-noted defect. Instead,

1 | Sherman's col. 9, lines 28-60 merely discusses synchronization based on the expanded flag

2 | (discussed above).

3 | In rejecting Claim 1 the Examiner further stated on page 3 of the Office Action, in

4 | paragraph 5 that Sherman teaches "if the first item is found during the checking to be a file,

5 | the parent process in said computer checking if a second item in said plurality is a file or a

6 | directory; wherein at least one item in said plurality of items is copied to said at least one

7 | storage media (col. 2, lines 22-67, fig. 5, fig. 6, col. 9, lines 4-67 to col. 10, lines 1-38)."

8 | This remark by the Examiner also appears to be unsupported by the cited text for the

9 | following reasons.

10 | Sherman's fig. 5 and fig. 6, col. 9, lines 4-67 to col. 10, lines 1-38 have been

11 | discussed above. To re-state the arguments made above, there appears to be no support in

12 | the just-described text and figures of Sherman, for a parent process checking if something is

13 | a file or a directory. Note that the remainder of the Examiner-cited text, namely Sherman's

14 | col. 2, lines 22-67 fails to overcome the above-noted defect. Instead, Sherman's col. 2, lines

15 | 22-67 is merely the summary of the invention, as reproduced below.

16 |

17 | The present invention is generally directed to a manner of
18 | synchronizing information between computer systems, such as between
19 | client and server computer systems. The invention allows certain subsets
20 | of information to be synchronized, while excluding other information
21 | from the synchronization process. In accordance with the invention, the
22 | determination of which information subset is to be synchronized does not
23 | require explicit designation by the user. Rather, the information to be
24 | synchronized is ascertained through actions of the user that implicitly
25 | indicate the user's interest in that information, thereby allowing for the
26 | intuitive "assumption" that the user would want that information
27 | synchronized. Therefore, no action other than the user's normal activity
28 | in connection with the computer system is required to identify items for
29 | synchronization.
30 | One aspect of the invention allows subsets of an object set to be
31 | synchronized between multiple computing systems. The object set is a
32 | set of certain information items, such as folders in an e-mail folder
33 | hierarchy. Predetermined user actions that implicitly reveal the user's
34 | desire to synchronize certain objects are defined. When the user, during
35 | normal operation of one of the computing systems, performs an action
36 | corresponding to one of the predetermined user actions, a
37 | synchronization indicator is assigned to the object or objects associated
38 | with this implicit synchronization directive. Only objects belonging to

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the subset of objects that have been assigned a synchronization indicator
are synchronized, to the exclusion of other objects in the object set.

The intuitive characteristic of the invention's selective
synchronization process can be applied to a wide variety of
synchronizable information. One aspect of the invention includes
applying the selective synchronization process to an e-mail folder
hierarchy. The subsets of the e-mail folder hierarchy are synchronized
between computing systems, such as a server and a client or
"companion" device. Predetermined user actions that implicitly
demonstrate the user's desire to synchronize particular folders of the
hierarchy are defined, and when the user performs one of these
predetermined actions, those particular folders are flagged as part of the
subset of folders to be synchronized between the server and client. In this
manner, only the folder subset that is determined by one of these actions
to be of interest to the user, rather than the entire folder hierarchy, is
synchronized. This is accomplished without requiring the user's explicit
identification of the subset of folders to be synchronized.

Nothing in the above-quoted text by Sherman discloses a parent process checking if a first item is a file or a directory, copying the first item if it is a file and creating a child process if the first item is a directory. The above-quoted text further fails to disclose the child process checking if a second item in the directory represented by the first item is a file or a directory and if the first item is found to be a file, the parent process checking if a second item is a file or a directory.

Thus, Applicant respectfully submits that Claim 1 is patentable over Sherman. Reconsideration and withdrawal of this rejection is respectfully requested. Claims 4-19, 34, 36, 38 and 39 depend either directly or indirectly from Claim 1 and are therefore, likewise patentable for at least the same reasons. Moreover, Claims 29-33, 45 and 48-57 recite one or more limitations similar (but not identical) to Claim 1 and are also believed to be patentable for one or more similar reasons.

If the Examiner continues to reject Claim 1 in a future office action over Sherman, the Examiner is respectfully respected to identify which specific item in Sherman's patent is being analogized to Claim 1's "parent process" and which other item in Sherman's patent is analogized to Claim 1's "child process." The Examiner is further requested to identify which item in Sherman's patent is being analogized to Claim 1's "file." The lack of such

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1	explicit mapping between Sherman's items and Claim 1's limitations in the current Office
2	Action has made it difficult for the undersigned to respond properly.
3	In the current Office Action, Claim 4 stands rejected, with the Examiner citing only
4	the above-quoted text from Sherman's col. 2, lines 22-67, fig. 5 and fig. 6, col. 9, lines 4-67
5	to col. 10, lines 1-38, which have been discussed above. However, the Examiner-cited text
6	appears to be completely silent, as to comparing a current number of processes, created for
7	copying, with a limit and waiting if the current number is greater than or equal to the limit.
8	So, Claim 4 is patentable over Sherman's patent for at least this additional reason.
9	Note that Applicant is traversing the Examiner's citation to Sherman's column col. 2,
10	lines 22-67, fig. 5 and fig. 6, col. 9, lines 4-67 to col. 10, lines 1-38, in support of the
11	anticipation rejection of Claim 4. If the Examiner continues to reject Claim 4 in a future
12	office action over Sherman, the Examiner is respectfully requested to identify which specific
13	item in the Examiner-cited text by Sherman is analogized to Claim 4's "current number of
14	processes" and which other item in the above-quoted text is analogized to Claim 4's "limit."
15	The Examiner is further requested to identify which specific step in the Examiner-cited text
16	by Sherman is analogized to Claim 4's "comparing" and which other step in the Examiner-
17	cited text by Sherman is analogized to Claim 4's "waiting."
18	The rejection of Claim 5 was explained by the Examiner at the top of page 4 of the
19	Office Action by citation to Sherman's column 5, lines 10-67 to col. 6, lines 1-13 that are
20	reproduced below:
21	
22	FIG. 2 provides a general description of an example computing
23	environment in which the invention may be implemented. Various
24	embodiments of the invention may be implemented by executing
25	program instructions in this type of computing environment, such as the
26	H/PC 22. Those skilled in the art will appreciate that the invention may
27	be practiced with other computer system configurations, such as laptop
28	PCs, desktop PCs, multiprocessor systems, microprocessor-based or
29	programmable consumer electronics, network PCs, mini-computers,
30	mainframe computers, and so forth.
31	The computing system 34 (e.g., H/PC) illustrated in FIG. 2
32	includes a computer 36 having at least one central processing unit (CPU)
33	38 with a memory system 40, an input device 42, and an output device
34	44. These elements are coupled by at least one system bus 46. The
35	system bus 46 may be any of several types of bus structures such as a
36	memory bus, a peripheral bus or a local bus using any of a variety of bus

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architectures. The CPU 38 is of familiar design and includes an
Arithmetic Logic Unit (ALU) 50 for performing computations, a
collection of registers for temporary storage of data and instructions, and
a control unit 52 for controlling operation of the system 34. The CPU 38
may be a microprocessor having any of a variety of architectures
including, but not limited to those architectures currently produced by
Intel, Cyrix, AMD, IBM and Motorola.

The system memory 40 includes a main memory 54, which may
include both volatile and non-volatile memory, such as random access
memory (RAM) and read-only memory (ROM). The system memory 40
may also include secondary storage 56 in the form of long-term storage
mediums such as hard disks, floppy disks, tape, compact disks (CDs),
flash memory, and other devices that store data using electrical,
magnetic, optical or other recording media. The main memory 54 may
also include video display memory for displaying images through the
output device 44, such as a display device. The memory can comprise a
variety of alternative components having a variety of storage capacities
such as magnetic cassettes, memory cards, video digital disks, Bernoulli
cartridges, random access memories, read-only memories and the like
may also be used in the exemplary operating environment. Memory
devices within the memory system and their associated computer
readable media provide non-volatile storage of computer readable
instructions, data structures, programs and other data for the computer
system.

The input devices may include a keyboard, a mouse, a
microphone, a touch pad, a touch screen, voice-recognition system, etc.
The output devices may include a display, a printer, a speaker, a touch
screen, etc. Some devices, such as a network interface or a modem can
be used as input and/or output devices. The input and output devices are
connected to the computer through system buses 46.

The computer system further includes an operating system and
usually one or more application programs. The operating system
comprises a set of programs that control the operation of the system 34,
control the allocation of resources, provide a graphical user interface to
the user and includes accessory and utility programs. An example of an
operating system that can run on the handheld computer is the
"WINDOWS CE" operating system, which also is commercially
available from Microsoft Corporation. An application program is
software that runs on top of the operating system software, and uses
computer resources made available through the operating system to
perform application-specific tasks desired by the user. While the present
invention may be integrated into the operating system software, a
preferred embodiment provides for its implementation in an application
program as described more fully in connection with FIG. 3 below.

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1   The above-quoted text from Sherman discloses generic hardware and software which

2   are used to implement Sherman's invention. There appears to be no disclosure in the above-

3   quoted text to use a parent process and a child process. More specifically, there appears to

4   be no disclosure in the above-quoted text of a parent process increasing a limit on a

5   resource, followed by the child process using the resource at the increased limit in copying.

6   Hence, the Examiner's rejection of Claim 5 is respectfully traversed. Claims 6-10 depend

7   from Claim 5 and are distinguishable over Sherman for at least the same reason as Claim 5.

8   If the Examiner continues to reject Claim 5 in a future office action over Sherman,

9   the Examiner is respectfully requested to identify which specific item in the above-quoted

10   text is analogized to Claim 5's "limit".

11   In rejecting Claim 6, the Examiner cited only the above-quoted text from Sherman's

12   column 5, lines 10-67 to col. 6, lines 1-13. However, the Examiner-cited text appears to be

13   completely silent, as to increasing a limit on the number of open files. More specifically,

14   there appears to be no disclosure by Sherman of a parent process increasing the limit on the

15   number of open files, followed by the child process using the increased limit on number of

16   open files in copying. So, Claim 6 is patentable over Sherman's patent for at least this

17   additional reason.

18   If the Examiner continues to reject Claim 6 in a future office action over Sherman,

19   the Examiner is respectfully requested to identify which specific item in the above-quoted

20   text is analogized to Claim 6's "number of open files".

21   In rejecting Claim 7, the Examiner cited only the above-quoted text from Sherman's

22   column 5, lines 10-67 to col. 6, lines 1-13. However, the Examiner-cited text appears to be

23   completely silent, as to increasing a limit on the file size. More specifically, there appears to

24   be no disclosure by Sherman of a parent process increasing the limit on the size of a file,

25   followed by the child process using the increased file size limit in copying. Claim 7 is

26   believed to be patentable over Sherman's patent for at least this additional reason.

27   If the Examiner continues to reject Claim 7 in a future office action over Sherman,

28   the Examiner is respectfully requested to identify which specific item in the above-quoted

29   text is analogized to Claim 7's "file size".

30   In rejecting Claim 8, the Examiner cited only the above-quoted text from Sherman's

31   column 5, lines 10-67 to col. 6, lines 1-13. However, the Examiner-cited text appears to be

1 completely silent, as to increasing a limit on memory. More specifically, there appears to be

2 no disclosure by Sherman of a parent process increasing the limit on memory, followed by

3 the child process using the increased memory limit in copying. Claim 8 is believed to be

4 patentable over Sherman's patent for at least this additional reason.

5   If the Examiner continues to reject Claim 8 in a future office action over Sherman,

6 the Examiner is respectfully requested to identify which specific item in the above-quoted

7 text is analogized to Claim 8's "memory" with an increased limit.

8   In rejecting Claim 9, the Examiner cited only the above-quoted text from Sherman's

9 column 5, lines 10-67 to col. 6, lines 1-13. However, the Examiner-cited text appears to be

10 completely silent, as to increasing a limit on a stack. More specifically, there appears to be

11 no disclosure by Sherman of a parent process increasing the limit on a stack, followed by the

12 child process using the increased stack limit in copying. Claim 9 is believed to be patentable

13 over Sherman's patent for at least this additional reason.

14   If the Examiner continues to reject Claim 9 in a future office action over Sherman,

15 the Examiner is respectfully requested to identify which specific item in the above-quoted

16 text is analogized to Claim 9's "stack" with an increased limit.

17   In rejecting Claim 10, the Examiner cited only the above-quoted text from

18 Sherman's column 5, lines 10-67 to col. 6, lines 1-13. However, the Examiner-cited text

19 appears to be completely silent, as to increasing a limit on a heap. More specifically, there

20 appears to be no disclosure by Sherman of a parent process increasing the limit on a heap,

21 followed by the child process using the increased heap limit in copying. Claim 10 is

22 believed to be patentable over Sherman's patent for at least this additional reason.

23   If the Examiner continues to reject Claim 10 in a future office action over Sherman,

24 the Examiner is respectfully requested to identify which specific item in the above-quoted

25 text is analogized to Claim 10's "heap" with an increased limit.

26   In rejecting Claim 11, the Examiner cited only the above-quoted text from

27 Sherman's column 5, lines 10-67 to col. 6, lines 1-13. However, the Examiner-cited text

28 appears to be completely silent, as to (a) a temporary buffer; and (b) DMA. More

29 specifically, there appears to be no disclosure by Sherman of transferring data from a file

30 into a temporary buffer, locking the temporary buffer, and invoking a direct memory access

(DMA) process for making a copy from the temporary buffer. Claim 11 is believed to be patentable over Sherman's patent for at least this additional reason.

If the Examiner continues to reject Claim 11 in a future office action over Sherman, the Examiner is respectfully requested to identify which specific item in the above-quoted text is analogized to Claim 11's "temporary buffer" and which item of Sherman is analogized to Claim 11's "file." The Examiner is further requested to identify which item in the above-quoted text is analogized to Claim 11's DMA process.

In rejecting Claim 12, the Examiner cited only the above-quoted text from Sherman's column 5, lines 10-67 to col. 6, lines 1-13. However, the Examiner-cited text appears to be completely silent, as to a link to itself. More specifically, there appears to be no disclosure by Sherman of a parent process checking if a first item is a link to itself, and performing copying only if the first item is not a link to itself. Claim 12 is believed to be patentable over Sherman's patent for at least this additional reason. Claim 13 depends from Claim 12 and is distinguishable over Sherman for at least the same reason as Claim 12.

If the Examiner continues to reject Claim 12 in a future office action over Sherman, the Examiner is respectfully requested to identify which specific item in the above-quoted text is analogized to Claim 12's "link to itself".

In rejecting Claim 13, the Examiner cited only the above-quoted text from Sherman's column 5, lines 10-67 to col. 6, lines 1-13. However, the Examiner-cited text appears to be completely silent, as to a string comparison. More specifically, there appears to be no disclosure by Sherman of a parent process checking if a first item is a link to itself by a string comparison operation. Claim 13 is believed to be patentable over Sherman's patent for at least this additional reason.

If the Examiner continues to reject Claim 13 in a future office action over Sherman, the Examiner is respectfully requested to identify which specific step in the above-quoted text is analogized to Claim 13's "string comparison".

In rejecting Claim 14, the Examiner cited only the above-quoted text from Sherman's column 5, lines 10-67 to col. 6, lines 1-13. However, the Examiner-cited text appears to be completely silent, as to sending of an email message. Specifically, Sherman does not appear to disclose anywhere in the Examiner-cited text against Claim 14, a parent

1   process sending an email message if a resource at a destination is full, wherein the email

2   message is sent to an email address of a user that started the method.

3   Note that Applicant is traversing the Examiner's citation to Sherman's column 5,

4   lines 10-67 to col. 6, lines 1-13 in support of the anticipation rejection of Claim 14. If the

5   Examiner continues to reject Claim 14 in a future office action over Sherman, the Examiner

6   is respectfully requested to identify which condition in the Examiner-cited text by Sherman

7   is analogized to Claim 14's "if a resource at a destination is full" and which item in the

8   Examiner-cited text by Sherman is analogized to Claim 14's "email address of a user that

9   started the method."

10   In rejecting Claim 15, the Examiner cited Sherman's "col. 7, lines 24-67 to col. 8,

11   lines 1-67 to col. 8, lines 1-65." See the bottom of page 5 of the Office Action. This

12   citation appears to have a typographical error ("typo") because col. 8 is cited redundantly.

13   The undersigned has reviewed col. 7, lines 24-67 to col. 8, lines 1-67 of Sherman and is

14   unable to find any support for the Examiner's position. Specifically, the Examiner-cited text

15   appears to be completely silent, as to waiting during copying. More specifically, there

16   appears to be no disclosure by Sherman of any process waiting to be restarted subsequent to

17   sending an email message. Claim 15 is believed to be patentable over Sherman's patent for

18   at least this additional reason. Claims 16 and 17 depend from Claim 15 and are

19   distinguishable over Sherman for at least the same reason as Claim 15.

20   If the Examiner continues to reject Claim 15 in a future office action over Sherman,

21   the Examiner is respectfully requested to identify which specific step in the Examiner-cited

22   text is analogized to Claim 15's "waiting."

23   In rejecting Claim 16, the Examiner cited to the above-discussed text from

24   Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." The

25   Examiner-cited text does not appear to support the Examiner's position. Specifically, the

26   Examiner-cited text appears to be completely silent, as to suspending execution. More

27   specifically, there appears to be no disclosure by Sherman of anything sending a signal to

28   self to suspend execution. Claim 16 is believed to be patentable over Sherman's patent for at

29   least this additional reason.

30   If the Examiner continues to reject Claim 16 in a future office action over Sherman,

31   the Examiner is respectfully requested to identify which specific step in the Examiner-cited

text is analogized to Claim 16's "suspend execution" and further identify which other step in the Examiner-cited text is analogized to Claim 16's "signal to self."

In rejecting Claim 17, the Examiner also cited to the above-discussed text from Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For Claim 17 as well, the Examiner-cited text does not appear to support the Examiner's position. Specifically, the Examiner-cited text appears to be completely silent, as to recopying anything. More specifically, there appears to be no disclosure by Sherman of recopying a file from beginning, and doing so on being restarted. Claim 17 is believed to be patentable over Sherman's patent for at least these additional reasons.

If the Examiner continues to reject Claim 17 in a future office action over Sherman, the Examiner is respectfully requested to identify which specific step in the Examiner-cited text is analogized to Claim 17's "recopying" and which other step in the Examiner-cited text is analogized to Claim 17's "restarted."

In rejecting Claim 18, the Examiner also cited to the above-discussed text from Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For Claim 18 also, the Examiner-cited text does not appear to support the Examiner's position. Specifically, the Examiner-cited text appears to be completely silent, as to any password. More specifically, there appears to be no disclosure by Sherman of using a password file to identify an email address, and doing so based on an identity of the user. Claim 18 is believed to be patentable over Sherman's patent for at least these additional reasons.

If the Examiner continues to reject Claim 18 in a future office action over Sherman, the Examiner is respectfully requested to identify which specific item in the Examiner-cited text is analogized to Claim 18's "password file," which item in the Examiner-cited text is analogized to Claim 18's "email address" and which other item is analogized to Claim 18's "identity of the user."

In rejecting Claim 19, the Examiner also cited to the above-discussed text from Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For Claim 19 also, the Examiner-cited text does not appear to support the Examiner's position. Specifically, the Examiner-cited text appears to be completely silent, as to creating. More specifically, there appears to be no disclosure by Sherman of creating a child process, and

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doing so only if the directory is not a current directory and not a parent directory. Claim 19 is believed to be patentable over Sherman's patent for at least these additional reasons.

If the Examiner continues to reject Claim 19 in a future office action over Sherman, the Examiner is respectfully requested to identify which specific step in the Examiner-cited text is analogized to Claim 19's "creating" and which other step in the Examiner-cited text is analogized to Claim 19's condition "only if said directory is not ..."

In rejecting Claim 30, the Examiner also cited to the above-discussed text from Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For Claim 30 also, the Examiner-cited text does not appear to support the Examiner's position. Specifically, the Examiner-cited text appears to be completely silent, as to encountering any error. More specifically, there appears to be no disclosure by Sherman of sending an email message on encountering an error. Claim 30 is believed to be patentable over Sherman's patent for at least these additional reasons.

If the Examiner continues to reject Claim 30 in a future office action over Sherman, the Examiner is respectfully requested to identify which specific step in the Examiner-cited text is analogized to Claim 30's "error" and which other step in the Examiner-cited text is analogized to Claim 30's "sending an email message if the means for copying encounters an error."

In rejecting Claim 31, the Examiner cited to the above-discussed text from Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For Claim 31 also, the Examiner-cited text does not appear to support the Examiner's position. Specifically, the Examiner-cited text appears to be completely silent about increasing a limit on a resource to a maximum. Hence, the Examiner's rejection of Claim 31 is respectfully traversed.

In rejecting Claim 32, the Examiner cited to the above-discussed text from Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For Claim 32 also, the Examiner-cited text does not appear to support the Examiner's position. Specifically, the Examiner-cited text appears to be completely silent about any temporary buffers, locking and DMA. Hence, the Examiner's rejection of Claim 32 is respectfully traversed.

1   If the Examiner continues to reject Claim 32 in a future office action over Sherman,

2   the Examiner is respectfully requested to identify which specific step in the Examiner-cited

3   text is analogized to Claim 32's "locking."

4   In rejecting Claim 33, the Examiner cited to the above-discussed text from

5   Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For

6   Claim 33 also, the Examiner-cited text does not appear to support the Examiner's position.

7   Specifically, the Examiner-cited text appears to be completely silent about checking if the

8   item is a link to itself. Hence, the Examiner's rejection of Claim 33 is respectfully traversed.

9   In rejecting Claim 34, the Examiner cited to the above-discussed text from

10   Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For

11   Claim 34 also, the Examiner-cited text does not appear to support the Examiner's position.

12   Specifically, the Examiner-cited text appears to be completely silent about an instruction to

13   perform the method for each item in the directory. Hence, the Examiner's rejection of

14   Claim 34 is respectfully traversed.

15   In rejecting Claim 36, the Examiner cited to the above-discussed text from

16   Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For

17   Claim 36 also, the Examiner-cited text does not appear to support the Examiner's position.

18   Specifically, the Examiner-cited text appears to be completely silent about the number of

19   processes created, and furthermore also completely silent about the number of directories to

20   be copied. Hence, the Examiner's rejection of Claim 36 is respectfully traversed.

21   If the Examiner continues to reject Claim 36 in a future office action over Sherman,

22   the Examiner is respectfully requested to identify which specific item in the Examiner-cited

23   text is analogized to Claim 36's "number of processes." The Examiner is further requested

24   to identify which other item in the Examiner-cited text is analogized to Claim 36's "number

25   of directories."

26   In rejecting Claim 38, the Examiner cited to the above-discussed text from

27   Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For

28   Claim 38 also, the Examiner-cited text does not appear to support the Examiner's position.

29   Specifically, the Examiner-cited text appears to be completely silent about checking if a file

30   is in a list of items to be excluded from copying, and furthermore also completely silent

1   about performing copying only if the file is not in the list. Hence, the Examiner's rejection

2   of Claim 38 is respectfully traversed.

3   If the Examiner continues to reject Claim 38 in a future office action over Sherman,

4   the Examiner is respectfully requested to identify which specific item in the Examiner-cited

5   text is analogized to Claim 38's "list" of excluded items. The Examiner is further requested

6   to identify which step in the Examiner-cited text is analogized to Claim 38's "checking"

7   and which other step is analogized to Claim 38's "performing."

8   In rejecting Claim 39, the Examiner cited to the above-discussed text from

9   Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For

10   Claim 39 also, the Examiner-cited text does not appear to support the Examiner's position.

11   Specifically, the Examiner-cited text appears to be completely silent about the file being

12   copied to multiple destinations if specified by the user. Hence, the Examiner's rejection of

13   Claim 39 is respectfully traversed.

14   If the Examiner continues to reject Claim 39 in a future office action over Sherman,

15   the Examiner is respectfully requested to identify which specific item in the Examiner-cited

16   text is analogized to Claim 39's "multiple destinations". The Examiner is further requested

17   to identify which step in the Examiner-cited text is analogized to Claim 39's "specified by

18   the user."

19   In rejecting Claim 45, the Examiner cited to the above-discussed text from

20   Sherman's patent, i.e. "col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65." For

21   Claim 45 also, the Examiner-cited text does not appear to support the Examiner's position.

22   Specifically, the Examiner-cited text appears to be completely silent about recursively

23   spawning new processes. Hence, the Examiner's rejection of Claim 45 is respectfully

24   traversed.

25   If the Examiner continues to reject Claim 45 in a future office action over Sherman,

26   the Examiner is respectfully requested to identify which specific step in the Examiner-cited

27   text is analogized to Claim 45's current process that "calls a function to recursively spawn a

28   plurality of new processes." The Examiner is further requested to identify which other step

29   in the Examiner-cited text is analogized to Claim 45's current process waiting "for all new

30   processes to finish."

1   In the above-identified Office Action, the Examiner did not articulate any specific

2 reason for the rejection of Claim 48. Hence, the Examiner's rejection of Claim 48 is

3 respectfully traversed as being an "omnibus" rejection that is unsupported by any citation to

4 Sherman's patent.

5   If the Examiner continues to reject Claim 48 in a future office action over Sherman,

6 the Examiner is respectfully requested to identify which specific step in Sherman's patent is

7 analogized to Claim 48's "child process creating another child process." The Examiner is

8 further requested to identify which other step in Sherman's patent is analogized to Claim

9 48's parent process creating a yet another child process.

10   Note that several of the claims that have not been expressly discussed above, are

11 believed to be patentable over Sherman for reasons similar to those discussed above for

12 other claims. For example, Claim 50 is believed to be patentable for reasons similar to those

13 discussed above for Claims 12 and/or 33. As another example, Claim 53 is believed to be

14 patentable for reasons similar to those discussed above for Claims 5 and/or 31. As still

15 another example, Claim 54 is believed to be patentable for reasons similar to those discussed

16 above for Claim 38.

17   New Claims 55-57 are added herewith, based on the limitations in Claims 6, 7 and 8

18 respectively, and are believed to be patentable for similar reasons.

19   For the above reasons, Applicant respectfully requests allowance of all pending

20 claims. Should the Examiner have any questions concerning this response, the Examiner is

21 invited to call the undersigned at (408) 378-7777 ext 113.

22

Respectfully submitted,

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being
electronically transmitted to the U.S. Patent and
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Filing System on the below date.

————————————— November 21, 2008
Attorney for Applicant(s)   Date of Signature

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